

**REMARKS**

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1-4 are now present in the application. Claim 1 has been amended. Claim 1 is independent. Reconsideration of this application, as amended, is respectfully requested.

**Priority Under 35 U.S.C. §119**

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. §119, and receipt of the certified priority document.

**Information Disclosure Citation**

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statement filed on October 12, 2001, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

**Specification**

The abstract has been amended to remove the presence of minor informalities. Applicants respectfully submit that no new matter is entered. Entry of the above amendments is earnestly solicited.

### **Drawings**

Applicants thank the Examiner for accepting the formal drawings of the instant application.

### **Claim Rejections Under 35 U.S.C. §112**

Claims 1-4 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

In view of the foregoing amendments, it is respectfully submitted that this rejection has been addressed. Accordingly, all pending claims are now definite and clear. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, are therefore respectfully requested.

### **Claim Rejections Under 35 U.S.C. § 103**

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Popat, U.S. Patent No. 6,678,415 (hereinafter Popat), in view of Gell et al., U.S. Patent No. 5,802,502 (hereinafter Gell). Claims 2-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Popat in view of Gell, and further in view of Otsuka et al., U.S. Patent No. 6,700,674 (hereinafter Otsuka). These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

In light of the foregoing amendments, Applicants respectfully submit that these rejections have been obviated and/or rendered moot. While not conceding to the Examiner's rejections, but merely to expedite prosecution, as the Examiner will note, independent claim 1 has been amended to recite a combination of elements including "specifying means for entering by a user a job specification comprising product specifications specifying the product to be delivered by the job and specifications specifying circumstantial constraints without effect on the product, in considering selection from the pool of services" and "determining means for determining a path of services, the services being selected from the pool of services, wherein the path is suitable to carry out the job in accordance with the product specifications, and wherein the determining means is operable to take into account circumstantial constraints for that job".

Support for the amendments to claim 1 can be found on the paragraph bridging pages 17-18 of the specification as originally filed. Applicants respectfully submit that the above combination of elements as set forth in amended independent claim 1 are not disclosed or suggested by references relied on by the Examiner.

Popat discloses a text recognition system for integrating a language model into the network by selectively expanding the network to accommodate the language model only for certain ones of the paths in the network (see Abstract). The language model generates probability distributions indicating the probability of a certain character occurring in a string (see Abstract). Selectively expanding the image network is achieved by initially using upper bounds on the language model probabilities on the branches of an unexpanded image network (see

Abstract). A best path search operation is then performed to determine an estimated best path through the image network using these upper bound scores (see Abstract). In other words, the best path search operation is performed to obtain the closest character symbols to the text image using the character symbols associated with the branches of the complete path.

The Examiner alleged that Popat teaches the “determining means... wherein the determining means is operable to take into account circumstantial constraints for that job” as recited in claim 1 and referred to the upper bound score of each node in the path as the “circumstantial constraints” as recited in claim 1. Applicants respectfully disagree.

In particular, claim 1 recites “specifying means for entering... specifications specifying circumstantial constraints *without effect on the product*”. However, Popat discloses that

A key constraint necessary to ensure optimal decoding with respect to the language model is that each node in the graph have the proper language model score... attached to the best incoming branch to that node. *Failure to observe this constraint may cause the dynamic programming operation to reject a path through the graph that is an actual best path because of an incorrect score attached to a branch.* (See col. 6, lines 63-67; col. 7, lines 1-3. Emphasis added.)

In other words, the upper bound score of each node in the path has a significant effect on the final product of the text recognition when taking into account the upper bound score of each node to determine the best path.

In addition, the upper bound score of each node is provided by the language model (see Abstract) and therefore is not entered by the user as recited in claim 1.

Therefore, Popat fails to teach “specifying means for *entering by a user*... specifications specifying circumstantial constraints *without effect on the product*.” and “determining means... wherein the determining means is operable to *take into account circumstantial constraints* for that job”.

Gell discloses a system for selecting a telecommunications service provider based on the transaction pricing signals (see Abstract). The Examiner alleged that it would have been obvious to perform Gell's telecommunications services from the interconnected devices with Popat's best path search to the interconnected devices. Applicants respectfully disagree.

In fact, Popat is simply non-analogous art to Gell. As mentioned, Popat's best path search operation is to obtain the closest character symbols to the text image based on a language model, which is irrelevant to selecting a telecommunications service provider based on the transaction pricing signals as disclosed in Gell. Therefore, one skilled in the art would not have the motivation to modify Popat's best path search in view of Gell.

In the alternative, even if Popat and Gell were combinable, assuming *arguendo*, the combinations of Popat and Gell as applied by the Examiner would still fail to teach or suggest the invention as recited in claim 1. As mentioned, Gell discloses a system for selecting a telecommunications service provider based on the transaction pricing signals. Gell further discloses that the processor 14 receives the pricing signals, including the price data and quality data of the services, from the service providers and then selects the service provider with the lowest adjusted price (see col. 5, lines 47-52; col. 6, lines 17-19). In other words, the price data is obtained from the service providers, *not from the entry of the user*. Therefore, Gell fails to teach "specifying means for *entering by a user* a job specification comprising product specifications specifying the product to be delivered by the job and specifications specifying circumstantial constraints without effect on the product" as recited in claim 1.

In fact, Gell merely provides an automatic selection to the lowest price service without the user intervention. Unlike Gell, the present invention provides for a feature that the user can

specify a number of constraints and select one of the choices returned by the system based on the constraints. This feature is clearly absent from Gell.

With regard to the Examiner's reliance on Otsuka, this reference has only been relied on for its teachings relating to the subject matter of dependent claims. Otsuka also fails to disclose the above combination of elements as set forth in amended independent claim 1. Accordingly, Otsuka also fails to cure the deficiencies of Popat and Gell.

Accordingly, none of the references utilized by the Examiner individually or in combination teach or suggest the limitations of amended independent claim 1 or its dependent claims. Therefore, Applicants respectfully submit that claim 1 and its dependent claims clearly define over the teachings of the references relied on by the Examiner.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

### **CONCLUSION**

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

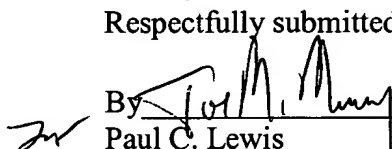
In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application and the required fee of \$120.00 is attached herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By  *key No 32,332/*

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